



**DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF DEVELOPMENTAL DISABILITIES SERVICES
GOVERNOR'S ADVISORY COUNCIL
TO THE DIVISION OF DEVELOPMENTAL DISABILITIES SERVICES
March 18, 2014**

The Governor's Advisory Council to the Division of Developmental Disabilities Services met on February 18, 2013, at the 1056 Woodbrook Conference Room, Dover.

COUNCIL MEMBERS PRESENT: Anthony Horstman, Chair
Timothy F. Brooks, Ed.D.
Thomas Rust
Angie Sipple
Terri Hancharick

STAFF MEMBERS PRESENT: Jane Gallivan
Marie Nonnenmacher
Shawna Rodriguez - minutes

GUESTS PRESENT: Terry Olson
Gary Cassedy
Vicki Haschak
Brian Hartman

CALL TO ORDER: The meeting was called to order at 1:05 p.m.

NEXT MEETING: April 11, 2014 1 p.m. – 3 p.m.
1056 Woodbrook Conference Room, Dover

APPROVAL OF MINUTES The minutes from the February 18, 2013 meeting were reviewed by the committee. A motion was made by Tim Brooks and seconded by Thomas Rust to approve the minutes as recorded.
Let the minutes show the minutes from the January meeting have not been recorded or reviewed at this time.

Additions to the Agenda

Tim Brooks	JFC
	ARC Board Members
Tony Horstman	Transition Times
Jane	Judge Rotenberg Situation

DDDS Housing Vacancies

Jane will have vacancies emailed once Pat returns. Tim requested Terry be included.

Recently Released New DDDS Home & Community Based Waiver

The State Council has written to the Cabinet Secretary, Director and others about the State Council's comments in regards to the new waiver. Said letter was disseminated to everyone. Brian gave a synopsis of the letter, noting it was done quickly. Marie indicated it will be in the April register.

Brian addressed key aspects of concern, the first being the age limits changing from (4) four years of age to (12) twelve years of age. State law does not have any age limit. Brian feels the Division has an obligation to provide certain types of services because of federal funding. Implementing age limits would be essentially age discrimination. This could be considered a violation of the Age Discrimination Act. He points out the waiver also covers foster care. If a situation comes up similar to the Harbor Health quick placement may be required and waiver funding would be a good resource to have. Brian feels leaving the waiver at age (4) four rather than changing it to (12) twelve provides more flexibility.

The next crucial point is the lack of reference to brain injury, and if an individual with brain injuries or who otherwise qualifies for Division services will be excluded. Tony feels there is a sense in the community the Division does not want to address the brain injury issue. Jane points out as long as it occurred in the developmental period and resulted in a development disability they are included. Marie explained leaving out the terminology "brain injury" was not intentional. Brian feels it is important to be more explicit. Tim Brooks clarifies the developmental period is until (22) twenty two years of age. Tony asks if more specific language can be put into the waiver application specifically for brain injury. Jane agreed, stating the Division is also working on eligibility criteria. As we remove the term MR, it is important we don't mistakenly remove something we shouldn't.

Brian feels placing an absolute cap of (40) forty hours per week for Supported Living Services is a concern for individuals with more severe needs. Jane said the cap is actually exceeding what we currently provide for Drop-In or Supported Living. The average now is (15) fifteen to (18) eighteen hours. The amount has been increased to allow for more flexibility, as this is a sporadic service. If individuals need more time they would be allowed the time; however, it falls into a different category, possibly residential training. If it becomes more intensive and requires more than (40) forty hours, Quality Assurance comes into play, and more intensive regulations will be required.

Brian still feels there shouldn't be limitations, with hours or age limits. He feels the option should be left available. Jane explains this is a new service that needs to be adequately monitored. It is for a very select group of individuals, living in their own apartments or family home. This is a limited service, to expand hours; the cost factor must be taken into consideration. The funding is covered now with straight state dollars. Until it is determined how it is utilized, we can constrain the cost factor by setting the cap. Both aspects must be considered.

Brian is concerned with an individual going into a group home. Jane said it can't be open-ended and be paid by Medicaid.

Supported Living drop in hours is currently provided through an agency. It is not a self-directed program.

Tony inquired about the family being reimbursed for cost, except if you are a guardian. Jane clarified; they are Shared Living Providers that are paid for the specific services provided outside the role of being a parent. Tony asked, "You cannot receive it if you are the guardian?" Not if you are the Provider.

Jane and Marie believe it has to do with the waiver, and where the money is coming from, the rules are different. Tony asked if the Division would look into it.

Tim feels CMS is who is having the ethical issue and there is contradicting information or it is getting misinterpreted.

Jane feels part of the dispute is in a managed care environment. Quality Assurance for a 1115 Waiver is much different. She is not opposed to looking at this again. However, the goal is not to insult the family. This is not to suggest or imply family members are not caring or concerned about their loved one. It is to protect the individual.

If you are being paid as a provider, you're signing off on the care plan, you're also the guardian that is authorizing the same care plan, and you are getting paid to provide what that care plan says. Who is providing oversight to say the care plan is really appropriate for the person? The purpose was to let families become Shared Living Providers. The State of Delaware has previously objected to paying parents.

Vicky stated years ago parents were told they needed guardianship of their kids and they were not offered options, which was very costly.

Tim feels this purpose is on target, and would be a good mechanism for families. Jane explains it's not for everyone.

Public Notice Meetings:

The Kent meeting only had a few providers, one family and Pat Maichle from the DD Council. Sussex meeting had one person show up. New Castle County meeting had a larger turn out. Nothing has been submitted in writing yet.

Brian asks about the count and if the Division is ok? Jane states a significant numbers variation exists on the Community Base Waiver and the Division is currently working to rectify the discrepancy. Running different reports, between fiscal and Medicaid generate different numbers. DDDS is working to get accurate counts that match in all areas. People that have passed away have not been taken off the list. Jane points out it is from individuals who have moved away, discontinued services etc. and cleanup has not occurred that has created the problem. Jane also

discovered when an individual leaves the waiver, due to death or other circumstances, the funds can be utilized within that year as long as you have a slot and a new slot number is used. A system is in place to make sure numbers are more accurate going forward.

Election of Chair: Tony Horstman elected.

Elwin – Celebrates 40 years in the State of Delaware Thursday evening 5:30 pm in Wilmington.

Arc- Is looking for younger board members (25) twenty five years or under. Please send Tim Brooks an email.

JFC- Tim Brooks listened to (16) sixteen people testify before he spoke and felt some were interesting and some was tedious. Jane agreed, she thought testimony was a little repetitive, but it came together providing a target or direction for us to go which was positive. The Family Support Waiver was a supported agenda item as well compensation for the providers. It helped to educate the committee on two main ideas to focus on. Tony felt everyone talked about the same subject matters as well.

Stars Program- Representative Smith

Stars is a ranking program introduced with a federal grant to rank child care systems. Child care centers who improved would get Stars and receive money for their efforts. Representative Smith would like to implement this idea in our services as an incentive payment. This would prove to be a challenge with Medicaid. Tools to evaluate for families would be useful. Prevocational and employment ranking would be great information. Employment would be the easiest. However, getting to the substance of what they want would be a challenge. Stars Model may not be the one to use, however, maybe something similar.

Transition Time is published on website

Judge Rotenberg Center

Still waiting on continuation, A. G. office is preparing for the hearing. It may have been scheduled and postponed again. Now there is a Federal investigation from the DOJ, it is still on-going.

Training

Rights Complaints: Tony Horstman brought up the concern about Rights Complaints, Jane agrees and wants to insure clients are aware of their rights. Some ideas are to have on the bottom of any correspondence, “if you don’t agree with this decision, you have the right to an appeal, and this is where you go to do it” then list a phone number or email address etc. This needs to be a continuous message. It should be on letters, business cards etc.

DDDS is in the process of redesigning our training department with the College of Direct Support. The Division will need to discuss with our providers how to better assess what our training needs are, including rights complaints.

PM46- When we see trending events happening, the Division needs become more efficient at getting this information out. The choking incident is a perfect example of a trending incident that we needed to send out. The best Quality Assurance is prevention.

Stockley Study – Group Study- Majority of property surrounding Stockley center will be made into trails. There will be a webinar at the month and in April.

Tim Brooks- DDDS had statistics on falls Tim feels it is important to keep those statistics.

Jim Curins passed away; he was very involved in Easter Seals among other organizations.

Tony Horstman expressed concern over Red Clay School District mainstreaming all kids without a plan.

Tim Brooks asks about the April 1st report and if everyone will get the draft report or final report? Yes, Jane and Marie are working very hard to complete. They want to make sure amounts are right, especially for Day Services. They are listing it all out. What ends up happening with these types of programs across the country is families do not use all the money. As an example, if we say we need \$30 K, but 70% will not be using it. How much do we ask for? Jane would like to do Targeted Case Management this (next) year. It would be a robust program, and more robust planning for families and they would be more prepared to move into the Waiver Program.

No change in Day Program should happen. Only billing codes will change.

Jane had a conference call with State Program Directors. They have sent copies of Family Support Waivers. Jane feels it will be more helpful once we get going. They have laid out many different options. They are very excited about helping us with the Concept Family Centered Planning. If we do this, Delaware will be on the cutting edge of case management.

Adjournment

The meeting adjourned at 2:25 p.m.